



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Scott P. Johnson  
James R. Helmer

**SUBJECT: PUBLIC HEARING ON  
SIDEWALK REPAIRS**

**DATE:** March 26, 2004

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Approved

Date

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**COUNCIL DISTRICT:** City-wide  
**SNI:** NA

## **SUPPLEMENTAL**

### **REASON FOR SUPPLEMENTAL MEMO**

To report on the results of the Sidewalk Repair Administrative Hearings that were held on March 3-4, 2004 to ensure that the property owners have the opportunity to discuss the outstanding charges with staff prior to placement of the potential liens. Additionally, the memorandum presents the Final Report of the Directors of Finance and Transportation to the City Council on the Cost of Sidewalk Repairs (report).

### **RECOMMENDATION**

Accept the attached Final Report of the Directors of Finance and Transportation and direct staff to continue with the lien process for properties identified in the report.

### **BACKGROUND**

Two notices of public hearing were sent to 116 property owners on February 18, 2004 and February 25, 2004. The mailings were necessary to properly notify potential lien candidates of the date and time of the public hearing, the impending lien on their property, and provide an opportunity to attend an Administrative Hearing with Department of Transportation staff held on March 3-4, 2004.

### **ANALYSIS**

Subsequent to the public hearing notification process, 49 of the 116 property owners originally notified settled outstanding issues and/or amounts related to sidewalk repairs. Additionally, staff

from the Department of Transportation participated in administrative hearings with 16 property owners. Results of the administrative hearings and staff recommendations are indicated below:

**Account #116160**

Recommendation: Reduction of the original invoice from \$262.41 to \$150.41 and removal from the lien process. The reduced amount was paid in full by the property owner.

**Account #115393**

Recommendation – Reduction of the original invoice from \$488.25 to \$177.00 and continuation of the lien process for the reduced amount. The property owner had performed some sidewalk repair work prior to the City's contractor completing the work.

**Account #117159**

Recommendation – Reduction of the original invoice from \$980.00 to zero and removal from the lien process. The property owner provided documentation that the home is owner-occupied and qualifies for a grant.

**Account #115408**

Recommendation – Reduction of the original invoice from \$1,280.20 to zero and removal from the lien process. The property owner qualifies for a hardship grant based on income.

**Account #115429**

Recommendation - Reduction of the original invoice from \$470.75 to zero and removal from the lien process. The property owner provided documentation that the home is owner-occupied and qualifies for a grant.

**Account #115768**

Recommendation – Reduction of the original invoice from \$2,150.25 to zero and removal from the lien process. The property owner provided documentation that the home is owner-occupied and qualifies for a grant.

**Account #116698**

Recommendation – Reduction of the original invoice from \$1,306.05 to zero and removal from the lien process. The property owner provided documentation that the home is owner-occupied and qualifies for a grant.

**Account #115766**

Recommendation – Reduction of the original invoice from \$295.75 to \$148.00 and removal from the lien process. The reduced amount was paid in full by the property owner.

**Account #115493**

Recommendation – Reduction of the original invoice from \$505.75 to zero and removal from the lien process. The property owner provided documentation that the home is owner-occupied and qualifies for a grant.

**Account #115387**

Recommendation – Reduction of the original invoice from \$470.75 to zero and removal from the lien process. The property owner qualifies for a hardship grant based on income.

**Account #115589**

Recommendation – Reduction of the original invoice from \$4,195.75 to zero and removal from the lien process. The property owner qualifies for a hardship grant based on income.

**Account #116080**

Recommendation – Reduction of the original invoice from \$1,129.45 to \$572.65 and continuation of the lien process. The property owner has agreed to pay the reduced amount.

**Account #115410**

Recommendation – Reduction of the original invoice from \$313.25 to zero and removal from the lien process. The property owner provided information that the home is owner-occupied and qualifies for a grant.

**Account #116489**

Recommendation - Staff met with the property owner several times to review sidewalk repair issues. Repairs were completed per City standards. Staff recommends continuing with the lien process for the full amount due of \$4,985.50.

**Account #116105**

Recommendation – Reduction of the original invoice from \$3,245.00 to 1,800.00 and removal from the lien process. The property owner has agreed to a payment plan of \$150 for twelve months.

**Account #114661**

Recommendation – Continuation with the lien process for the full amount due of \$851.20. Staff spoke with the property owner on numerous occasions. The property owner has protested the City policy requiring property owners to maintain sidewalks fronting their property. The property owner has indicated willingness to pay the amount due prior to the lien recording date, in which case, the property owner will be removed from the lien process.

**CONCLUSION**

The lien notices and the Administrative Hearing process were successful. Forty-nine (49) property owners have agreed to pay their outstanding invoices or have paid in full. The attached Report of the Directors of Finance and Transportation represents the current and complete list of property owners that are delinquent in paying for work performed by the City of San Jose for the cost of sidewalk repairs. Once the public hearing is held, property owners remaining on the Directors Report will have until the lien recording date (April 9, 2004) to pay the amount in full to avoid a property lien from being recorded with the County Recorder's Office.

**COORDINATION**

This supplemental memorandum has been coordinated with the Department's of Transportation and Finance and the City Attorney's Office.

SCOTT P. JOHNSON  
Director, Department of Finance

JAMES R. HEMLER  
Director, Department of Transportation

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